

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PERRY and SANDRA LACELLE,)
Plaintiffs,) No. CV-12-3007-JPH
v.) ORDER GRANTING DECREE OF
2010-2 SFR VENTURE, LLC, and) FORECLOSURE
MICHELLE GHIDOTTI, Trustee,)
Defendants.) CLERK'S ACTION REQUIRED

JUDGMENT SUMMARY

(IN-REM ONLY)

PRINCIPAL JUDGMENT AMOUNT: \$200,000.00

PRE-JUDGMENT INTEREST: \$ 66,339.26

JUDGMENT CREDITOR: 2010-2 SFR VENTURE, LLC

ATTORNEY FOR JUDG. CREDITOR: Brian M. Born

SUBJECT PROPERTY: Kittitas County Assessor's Tax
Parcel Nos. 21-14-35000-0010 & 21-
14-35000-0016

ORDER

The Court, having considered the evidence and arguments and being fully apprised, finds that the allegations in defendant SFR Venture's deed of trust foreclosure counterclaim are true, there

1 is no genuine issue as to any material fact and defendants are
2 entitled summary judgment as a matter of law.

3 **IT IS ORDERED**

4 1. Defendant 2010-2 SFR Venture, LLC's deed of trust (the
5 "Deed of Trust") recorded on September 12, 2006, under Auditor's
6 File No. 200609120035, and covering the real property at issue in
7 this case, located in Kittitas County, Washington, and legally
8 described as:

9 PARCEL 5 OF THAT CERTAIN SURVEY AS RECORDED
10 AUGUST 21, 2003, IN BOOK 29 OF SURVEYS, PAGE 50,
11 UNDER AUDITOR'S FILE NO. 200308210059, RECORDS OF
KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF
THE SOUTH HALF OF SECTION 35, TOWNSHIP 21 NORTH,
RANGE 14 EAST, W.M., IN THE COUNTY OF KITTITAS,
STATE OF WASHINGTON.

13 Assessor's Tax Parcel No. 21-14-35000-0010 & 21-14-35000-0016
14 (the "Property") is hereby adjudged and decreed to be a first and
15 paramount lien upon the Property and the whole thereof as security
16 for the payment of the judgment and principal balance of said Deed
17 of Trust, and that said Deed of Trust be, and is hereby,
18 foreclosed and the Property is ordered sold by the United States
19 Marshal, in the manner provided by law;.

20 2. That the indebtedness secured by the Property is fixed
21 at \$266,339.26 (the "In Rem Judgment") and the proceeds from the
22 sale shall be applied to the payment of the In Rem Judgment, and
23 such additional amounts as plaintiff may advance for taxes,
24 assessments, municipal charges and such other items as may
25 constitute liens upon the property, together with insurance and
26 repairs necessary to prevent the impairment of the security;

27 3. That the rights of each of the plaintiffs and persons
28 claiming by, through or under them or any and all persons

1 acquiring any right, title, estate, lien or interest in or to the
2 Property subsequent to the execution of the Deed of Trust be, are
3 hereby adjudged inferior and subordinate to the lien of 2010-2 SFR
4 Venture, LLC ("SFR Venture") and are forever foreclosed except for
5 the statutory right of redemption and any right to excess
6 proceeds;

7 4. That any net proceeds of sale in excess of the In Rem
8 Judgment shall be distributed to plaintiffs; and

9 5. That SFR Venture be, and is hereby permitted to become a
10 bidder and purchaser at the sale and may credit some or all of the
11 In Rem Judgment, and that the purchaser shall be given immediate
12 possession of the property and all right, title, and interest in
13 any rents and profits generated by or arising from the Property
14 during the statutory redemption period.

15 DATED this 9th day of November, 2012.

s/ James P. Hutton

JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE